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UNITED STATES DEPARTMENT OF AGRICULTURE

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THE 28-HOUR LAW REGULATING THE INTERSTATE TRANSPORTATION OF LIVE STOCK: ITS PURPOSE, REQUIREMENTS, AND ENFORCEMENT.[1]

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ENACTMENT OF THE LAW.

During the Forty-second Congress a law was passed to prevent cruelty to animals while in the course of interstate transportation, which was approved by the President on March 3, 1873, and incorporated in the Revised Statutes of the United States, first edition, as sections 4386 to 4390, inclusive. This law was enacted to prevent any carrier from transporting animals in interstate commerce for a longer period than 28 consecutive hours without unloading for the purpose of rest, water, and feeding for at least 5 consecutive hours before continuing their transportation. If, however, the animals were carried in cars, boats, or other vessels in which they could and did receive proper food, water, and rest, the statute permitted the carrier to transport them without unloading.

To comply with the act, it became necessary for the transportation companies to provide feeding, watering, and resting facilities at

[1] The authors acknowledge the cooperation in this work of Mr. J. V. De Laney, who at the time was in the service of the Bureau of Animal Industry.

convenient places on their lines, separated in distance according to running schedules, so as to be able to unload the stock each 28 hours during their journey to destination. In the construction of the inclosures or pens into which the animals were to be unloaded little if any consideration was given to the habits, requirements, and comfort of the different classes of animals handled. So long as the pens were inclosed by a fence and the animals were unloaded within the 28 hours, the transportation companies considered that they had complied with the law. Fences of sufficient height and strength to restrain the animals were not provided in many cases, and a round-up of cattle which had either broken down or jumped over such fences was necessary before reloading could be commenced. Watering troughs often were not provided, and the absence of feeding racks was very general. No thought whatever was given to the comfort of the animals in the way of providing a dry place to lie down for rest.

On account of the poorly constructed pens and inadequate resting, watering, and feeding facilities and the frequent unloading of the animals, considerable dissatisfaction arose among the shippers. This, together with the changes in the way of improved railroad transportation and the increasing size and importance of some of the live-stock markets, led to the repeal of the act of 1873 and the enactment of the present law, commonly know as the 28-hour law, which was approved and became effective on June 29, 1906, and was committed to the Secretary of Agriculture for enforcement. The new law corrected some of the defects of the act of 1873 and made possible the elimination of some of the abuses practiced under that statute.

PURPOSE OF THE LAW.

While the 28-hour law was enacted primarily for humane reasons, to reduce to a minimum the cruelty incident to the transportation of live stock, it also protects the interests of owners of animals and of the public, in preventing the health and condition of the animals from being injured while in transit. To have his stock reach the market in as nearly the same condition as when it leaves the farm or the ranch is the object of every stockman and shipper. This can be accomplished only by giving the animals while they are in transit the care, attention, feed, water, and rest to which they have been accustomed, or as nearly so as possible. If animals are confined in cars for an excessive period without feed, water, or rest, or if after being confined in the cars for a period of 28 or 36 hours they are unloaded into a pen too small for them to rest or even move about, or too muddy to lie down, or if the proper kind and amount of feed and water are not supplied, or if in the unloading or reloading

process the animals are beaten, thrown from the cars, or otherwise brutally treated, the object desired by the shippers and intended by the law is not attained. The live stock as the result of such treatment arrive at destination in a feverish condition and the quality of the meat may be affected if the animals are slaughtered while in that state.

The main purpose of the statute, however, is to prevent cruelty to animals while in the course of transportation. How well it has served this purpose may be judged from the fact that whereas formerly it was not uncommon for carriers to confine animals in cars for periods of 50 to 60 hours or even more, now the carriers, as a whole, are endeavoring to unload them within the statutory period and to give them proper care and treatment when unloaded.

REQUIREMENTS OF THE LAW.

PROPER FEED AND WATER.

The statute requires that the animals while in the course of interstate transportation shall be provided with proper feed and water at the expiration of each period of 28 hours unless the owner or person in custody of the live stock has authorized their confinement in the cars for an additional 8 hours, in which event it is required that the animals be furnished with proper feed and water at the end of every 36 hours by the shipper, but if he fails to meet this requirement, the transportation company must do it for him. This additional 8 hours of authorized confinement is one of the provisions in the law of 1906 which did not appear in the law of 1873, and enables the shipper to get his live stock to market in many instances without the necessity for unloading the animals, avoiding the delay, inconvenience, and feeding expense incident thereto. The majority of shippers avail themselves of this privilege. There are, however, some serious abuses practiced in this connection which are mentioned later.

By proper feed and water is meant not only sufficient feed to allay hunger and sufficient water to quench thirst, but the feed and water must be of a proper quality and must be furnished at proper intervals. It is not required that feed be furnished in quantity large enough for fattening, but enough to satisfy hunger and thereby keep the animals quiet and contented during their journey to destination.

The amount of feed which should be given to various classes of animals varies with the length of time between feedings and the weights of the animals. It is believed that for each 24 hours the ration for horses and cattle should be not less than 1¼ pounds of hay to each hundredweight of animal; for sheep, not less than 1½ pounds of hay to each hundredweight of animal; and for hogs, not less than 1 pound of shelled corn, or its equivalent in ear corn or other grain, to each hundredweight of animal.

When animals are transported in "palace" or similar stock cars or with emigrant outfits, or in specially equipped cars conveying show animals and blooded stock in which they can and do have proper feed, water, space, and opportunity to rest, the provisions in regard to their being unloaded do not apply. However, in cases where animals are fed in the cars care should be exercised to distribute properly through each car sufficient feed for each animal, so that none will be deprived of the opportunity to get its share.

In the watering of the animals the water in all cases should be clean. As a general rule, live stock will not drink dirty or polluted water. Where the watering is done in the cars it is necessary that the troughs be thoroughly cleaned out before the water is turned into them, and each animal should be allowed to drink its fill. While the watering of live stock in the cars has been found to be rather unsatisfactory, if the watering is to be done in this manner the troughs should be large and deep enough so that the water will not run out, and they should be so constructed as to be readily placed in operation and yet so arranged that the animals can not tilt them over. They should also be so placed in the cars that all the animals can get to them. It is not a compliance with the law to water the animals on one side of the car, while those on the other side receive no water whatever, or an insufficient quantity.

SUFFICIENT REST.

It is permitted by the law to transport animals without unloading, provided they are carried in cars in which they can and do have proper feed and water and in which sufficient space is provided for all the animals to lie down at the same time. If all of these conditions are not met, the law requires that the animals be unloaded at the expiration of a period of 28 hours, or, if a request has been signed by the owner or person in custody of the live stock, at the expiration of a period of 36 hours. Railroad regulations establish a minimum weight of carload lots for various kinds of animals. In order that a shipper may benefit by this, it often is necessary for him to overload the car as regards space, especially in the case of long-wooled sheep, canner cows, feeder cattle, and mixed lots of animals. In such cases it will readily be seen that the stock do not and can not have sufficient space for all to lie down at one time. Under such conditions it is a very common occurrence to find one or more animals either crippled or trampled to death on account of being unable to rise after having lain down to rest.

When unloaded, it is required that the animals have at least 5 consecutive hours of rest. The conditions must be such that animals can rest properly. It is obvious that when animals are placed in yards filled with mud, water, snow, or slush, or which are not pro-

vided with a proper shelter from rain, snow, wind, and sun, they can not obtain rest, for, as a general rule, they will not lie down in such surroundings.

HUMANE HANDLING.

The law is a humane measure, intended not only to prevent the carrier from transporting animals in interstate commerce for long periods, but also to provide that they be unloaded in a humane manner into properly equipped pens for rest, water, and feeding. The cruel treatment of animals in the past in their handling and care while in transportation not only reduced their food value, but led to numerous claims against the railroad companies and finally to the enactment of the present law. Many instances have been observed in which the most brutal treatment has been given to the animals, resulting many times in severely injuring them. There have even been cases where hogs and sheep were crippled purposely by the persons unloading the animals, for the financial betterment of their employers. The provision as to humane handling of the animals was added to the requirements when the law of 1906 was passed, no such requirement appearing in the prior statute. The handling of live stock in a humane manner protects not only the animals, but the interests of the owners and of the public, because it helps in placing the stock upon the market in good condition; it incidentally benefits the carrier as well.

PROPERLY EQUIPPED PENS.

The law of 1906 requires that animals shall be unloaded into properly equipped pens for rest, water, and feeding. While the statute does not require a carrier to maintain any particular kind of equipment of its stock pens, permanent or otherwise, except in so far as to render them suitable for the humane purpose of the act, it is necessary to make such provision as will meet the weather conditions of the different seasons of the year, so as to provide for the protection of the animals from the elements. In erecting such pens consideration should be given to the kind of animals to be handled; the feeding, watering, and resting facilities; drainage; weather protection, and lighting for night handling. In the winter time, particularly in the northern parts of the country, protection from cold, storms, snow, sleet, and winds must be provided. For this purpose a portion, at least, of the yards should be covered. It will also be necessary to have some such provision made for the protection of the animals from the hot sun in the summer time, particularly in the Southern States.

The yards should be so equipped that it will not be necessary to feed and water hogs and other animals, especially horses or sheep, from the same troughs, as other animals will not eat or drink from

troughs which are also used for hogs. The feeding of hay to cattle or other stock on the ground might enable the carrier to comply with the law where the ground is dry; but in open pens when it rains or snows the ground becomes muddy, and the animals will trample the feed into the mud and then refuse to eat it. Pens into which hogs are unloaded should have a floor of some hard substance, on account of the tendency of hogs to root. During cold weather, also, hogs will make depressions in unpaved pens and then lie down in them, piling one on another to keep warm. In this way some hogs are smothered.

In constructing a properly equipped feeding yard the floor space, including pens and alleys, should be filled in with cinders or other suitable material and allowed to settle, then paved with rough brick or roughened concrete, and properly sloped for drainage. A portion of the yards should be covered and boarded up on the north and west sides and so arranged that at least a 2½-foot space just above the level of the yard fence can be opened during warm weather to allow a good circulation of air. (See fig. 5.)

All pens should be equipped with watering and feeding facilities for the particular kind of animals to be handled, and no yard should have less than 50 feet of feeding-rack space and 15 feet of watering trough. Yards in which double decks of sheep are yarded should have between 80 and 100 feet of feeding-rack space. Water troughs of sufficient size (approximately 15 feet long, 12 inches deep, and 12 to 15 inches wide for each single-deck yard) to allow the animals to get their fill within a short time should be provided, and each trough should be drained directly from the plug to the sewer, which will allow the water to drain from the troughs, thereby avoiding freezing in the winter and stagnant water in the summer. Each trough should be provided with a separate shut-off for the water, and the hydrant boxes should be packed properly during the winter to avoid freezing. As before indicated, yards that are used for both hogs and other animals should be equipped with two sets of watering troughs. Feeding racks built with boards running parallel with the length of the rack at which sheep are fed should have a space of at least 7½ inches between the boards, about 18 to 20 inches from the floor, which will allow the heads of the sheep free access into the rack and out again while feeding. Vertical slats of round iron should be about 7½ inches apart in order that the sheep may get at the hay readily. Sufficient lighting facilities should be installed for loading and unloading during the night; an example of this is seen in Plate I, figure 1.

Loading and unloading chutes and docks should be built to accommodate the kind of animals handled. Figure 1 illustrates a good arrangement for unloading double-deck cars.

Fences for the yards should be of sufficient height and strength to restrain the animals properly. The yards should be drained

properly by a sewerage system of some kind, and each yard should be sloped toward the sewer connection. Each trough also should have a separate sewer connection. In providing unloading chutes for horses care should be taken to avoid sharp turns, and injury

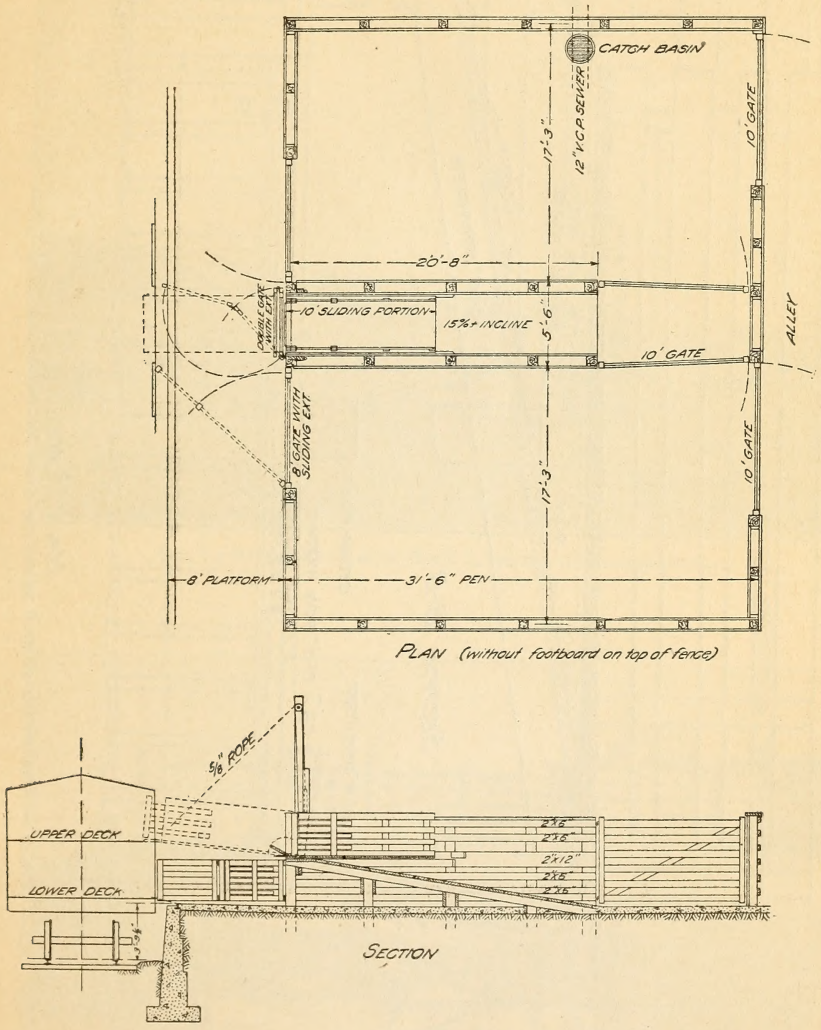


FIG. 1.—A good arrangement for unloading double-deck cars.

while loading and unloading can be averted by having the yards connected with an alley leading directly to the unloading chute.

In size a single yard should measure approximately 25 by 40 feet, with the gate connecting with the alley placed near the corner of the yard. The alley should be about 10 feet wide, which should be the

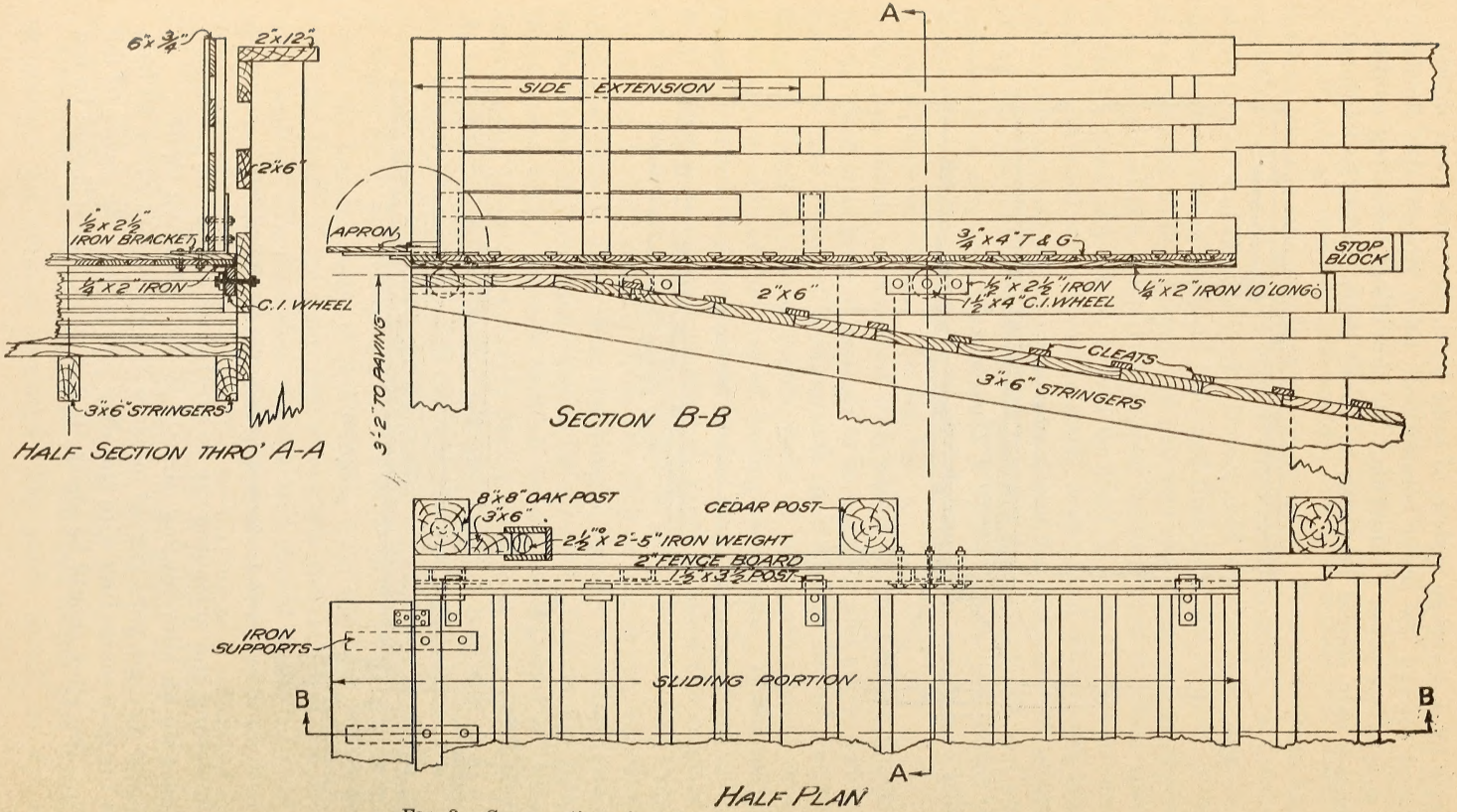


FIG. 2.—Cross section of good unloading chute for double-deck cars.

FIG. 1.—STOCK PENS WITH GOOD LIGHTING ARRANGEMENTS.

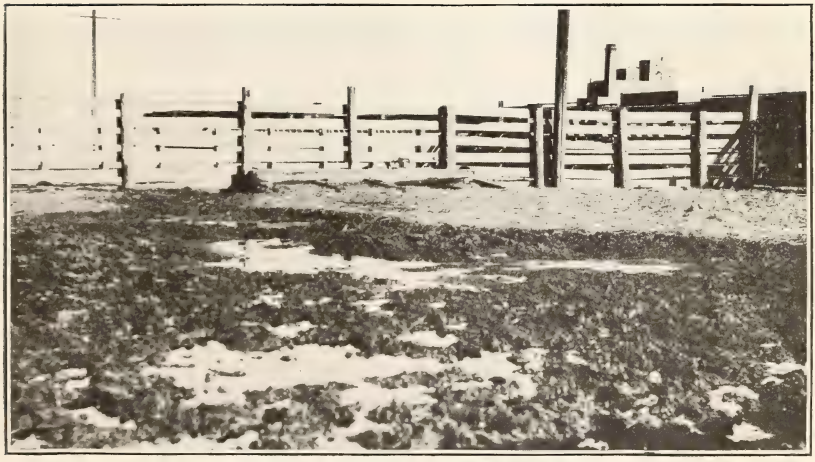


FIG. 2.—A POORLY EQUIPPED YARD.

FIG. 1.—POORLY EQUIPPED YARD WITH DILAPIDATED GATE.

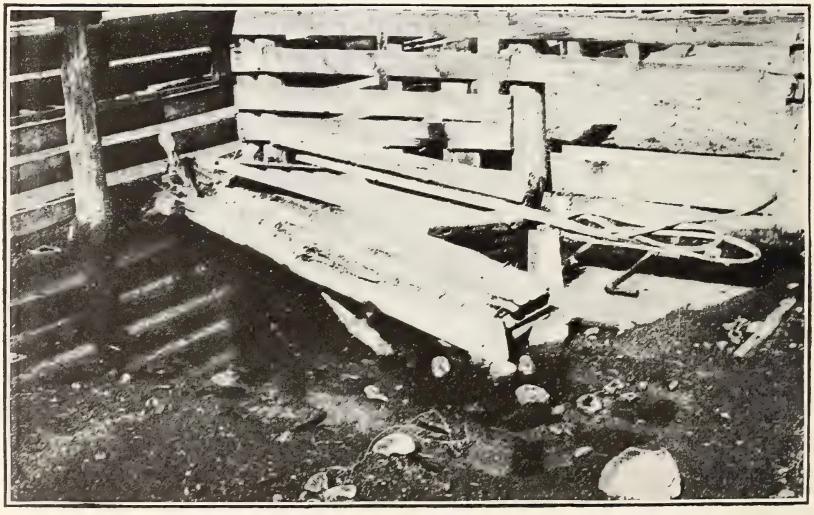


FIG. 2.—SECTION OF PEN SHOWING POOR WATERING FACILITIES.

widths of the yard gates also. The accompanying illustrations (figs. 3, 4, 5, and 6) show some of the features of a properly equipped yard or pen.

ABUSES UNDER THE LAW.

In their attempts to comply with the older statute, carriers considered apparently that it was only necessary to unload the animals

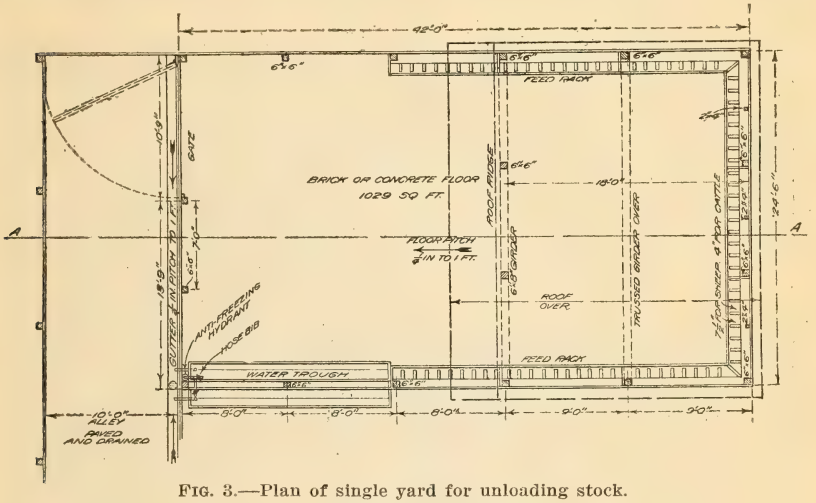


FIG. 3.—Plan of single yard for unloading stock.

every 28 hours into some sort of inclosure or pen which in many cases was not even provided with watering troughs. Under these conditions the animals were not protected from the cold winter winds or the hot sun during the summer, and were compelled to stand in mud or water or in snow and slush sometimes knee deep. Although shippers frequently complained, temporary relief only

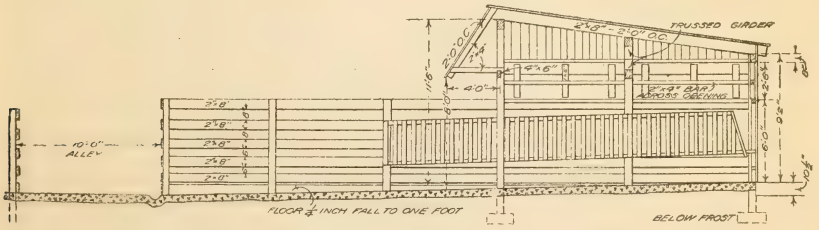


FIG. 4.—Side view of yard shown in figure 3.

was afforded by resurfacing the yards with cinders or gravel. Little attention was paid to the quality or quantity of feed given the animals, or whether they were fed at all, the railroads asserting that it was the duty of the shipper to feed and care for the stock in transit. They overlooked the fact that if the shipper did not feed the animals it was their duty to do so. This led to the practice of

individuals building and maintaining private yards where the stock was cared for at a stated cost if the shippers desired. These yards were far from perfect in equipment as well as in the service given, but in most cases they were an improvement on the old conditions provided by the railroads. This again led the carriers to think that if they conveyed the stock to such yards, no matter what the service or condition of the yards or when the animals were unloaded, their liability was ended.

Little attention was given to the class of men who handled the stock. The man who could make the most noise and wield the "prodpole" most dextrously was considered the most valuable, no thought being given to the comfort of the animals. In some yards a trough for watering all classes of animals was all that was provided, while in a great many yards no troughs were provided. In most cases it was found that one trough 14 to 16 feet long was supposed to water any amount of stock, from one car of cattle to 7,000 sheep, within the period of five hours. Often the troughs were in such condition they would not hold water, and the only way the stock could quench their thirst was by drinking from the stagnant pools or from the overflow into the mud, manure, and other filth in the corrals. Sometimes the troughs were so high that it was impossible for hogs or sheep to drink. In other cases the troughs were used as a wallow by hogs, and subsequent shipments of sheep, horses, and cattle were supposed to drink from them.

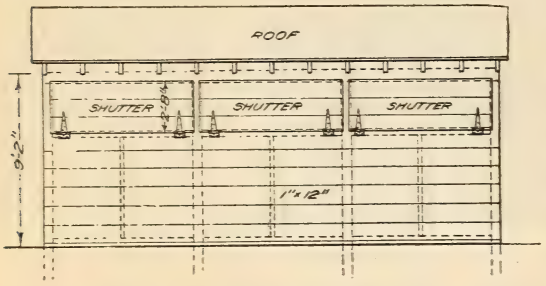


FIG. 5.—End view of covered section of yard, showing doors to be dropped for ventilation.

When a shipment of sheep or cattle has been driven several miles before loading, and perhaps confined in cars 36 hours in the summer heat, and is then subjected to the conditions described, the suffering and loss in deaths and excessive shrinkage can readily be imagined. The feeding was done in a haphazard way. No definite quantity was required for any class of animals, and often it was thrown into the mud or dirt so that little of it was eaten. Certain classes of shippers would use dry feed for at least 48 hours before reaching market centers, giving no water whatever, thinking that the stock would then drink an excessive quantity of water and that the weight would be greater than if they were watered at regular intervals. When the first cold weather came the water in the pipes at the feeding and watering stations froze, and remained so until the warm

weather of the spring thawed it out. At one point the water froze in December, and although no more water was available until March, over 1,000 cars of stock were handled there and were supposed to have been watered. It was, in fact, a greater hardship to the animals to have them unloaded under such conditions as then existed

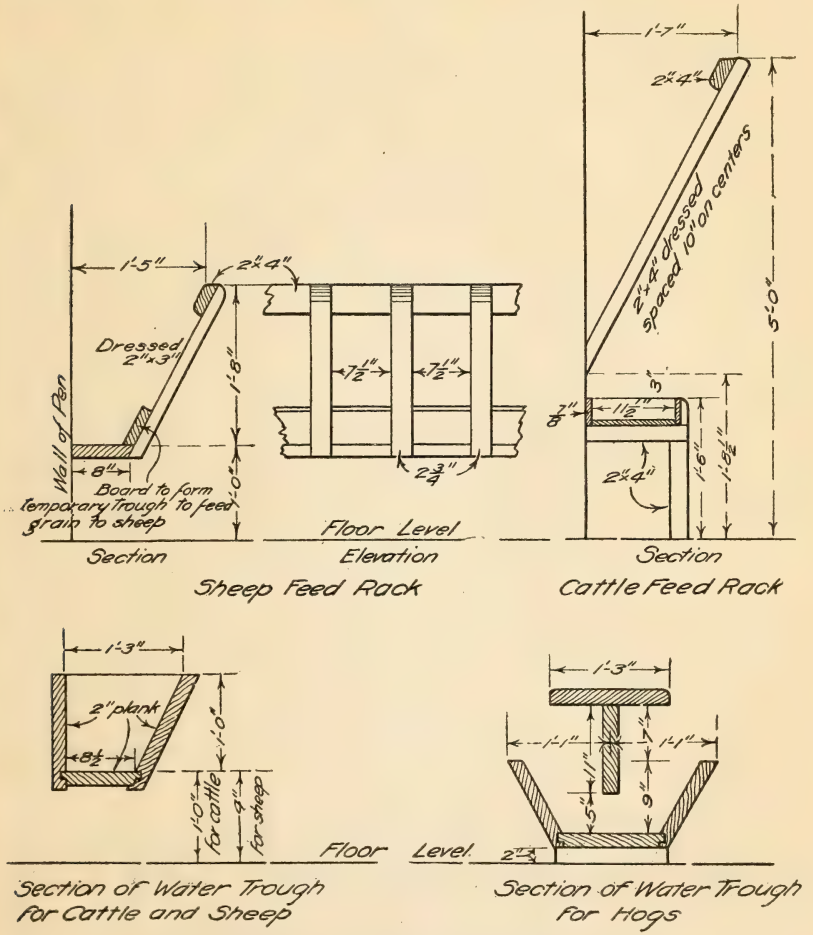


FIG. 6.—Details of equipment for yard shown in figure 3.

than to carry them on to their destinations. The provision in the new law requiring that when live stock are unloaded it shall be into properly equipped pens has in a large measure overcome these abuses.

The old law required the carriers to unload the animals at the end of every 28 hours; the present law permits the extension of the time to 36 hours upon the written request of the owner or person in custody of the shipment. This privilege generally is insisted on by the transportation companies, the argument being advanced that it en-

ables the shipper to get his stock to market sooner, and that he is benefited through not having to pay for feeding his animals at several points in transit to market. It appears, also, that some carriers have resorted to the practice of marking their waybills to show that the confinement of the animals for a period of 36 hours has been authorized by the owner or shipper, when, as a matter of fact, such was not the case.

The law requires that the request for extension of the period of confinement from 28 to 36 hours shall be a written one. A separate request must be made for each particular shipment. This requirement was included in the law in order that the owner or shipper of live stock should exercise his own judgment as to the necessity of additional time. In other words, Congress believed that 28 hours was long enough, as a general rule, to keep live stock confined without feed, water, and rest; but the shipper or owner of the animals was allowed, if he thought it wise or to his interests, to authorize the carrier to continue the confinement of his animals for 8 hours more. Some carriers have procured such requests from the shippers upon the threat that they would unload the animals before even the 28-hour period had elapsed, unless the 36-hour requests were signed. The result of these practices is the practical abrogation of the 28-hour law and the substitution therefor of a 36-hour law.

There seems to be a belief on the part of many of the agents of the railroads that oral requests by shippers to continue their live stock in transit for 36 hours before unloading for feed, water, and rest comply with the law. This is not so, and carriers should instruct their agents accordingly. In many cases such instructions would obviate the necessity for the Government to institute prosecutions and would save the railroads from the payment of penalties for the failure on the part of their agents to secure written instead of verbal requests.

Another practice which sometimes has been followed by some of the carriers is that of placing upon the waybills and other shipping memoranda wrong notations as to the times of loading or reloading. As the various employees of the carriers along the line rely upon this information as correct, this often results in the confinement of the animals beyond the statutory period and the institution of prosecutions against the carriers for violations of the law. This is another instance in which the railroads undoubtedly could save themselves considerable money and inconvenience by issuing instructions to their employees that notations made upon the waybills or other records should be strictly correct. The Government has no alternative but to prosecute the carriers when animals are confined beyond the statutory period without feed, water, or rest owing to

the carelessness, or it may be the willfulness, of some employee who placed incorrect notations upon the billing.

Another particular in which some improvement can and should be made is the handling of emigrant and express shipments. Such shipments usually originate at some small station. The person in charge of emigrant movables usually loads the stock in a corner of the car; and if they have to be unloaded, it would be necessary first to unload a part of the farm implements or household goods. In the case of crated animals the crate may be too small, but the fact that it is a crated animal seems to be sufficient excuse for the express company to take it for granted that the animal has plenty of room to lie down and rest. Fortunately, however, the greater number of express shipments are for short distances. Some of the roads now have the conductor on each division inspect such shipments to see that there is sufficient room and water and feed; and if any one element is lacking, the stock is unloaded. Some of the express companies have promised to do the same thing. If this practice is made universal, it will aid greatly in the observance of the law and will save the Government from instituting suits.

Another practice which has been resorted to by some of the carriers is the marking of their waybills so as to show that the animals had been unloaded, fed, watered, and rested, when, as a matter of fact, no feed or water was supplied, and in some instances the animals were not even taken out of the cars. This practice, it was found in some cases, was carried on without the knowledge of the higher officials of the roads and contrary to the explicit instructions of the operating officers.

RESULTS ACCOMPLISHED.

IMPROVED YARDS.

Since the enactment of the present law many of the railroads have improved the yards and pens into which animals are unloaded for feed, water, and rest. Some of the improvements have been installed voluntarily. Suggestions offered by the officials of the Bureau of Animal Industry as to how such yards should be constructed to meet the requirements of the law have been adopted cheerfully and gladly by some carriers. It must be said, however, that other roads have improved their yards and pens only after the Government was obliged to resort to prosecution because of the inadequate facilities provided. On the whole, the general conditions in this respect are much better than they were 10 years ago. The expenditures in this direction by some of the roads have amounted to many thousands of dollars. But this money has been well expended, as is evidenced by the fact that such roads now have comparatively few violations of

the law, whereas formerly violations were numbered by the hundreds. The stockmen who ship over these roads have commented on the fact that their live stock now receive better treatment than formerly.

Formerly, in the Northwest, where the winters are longer and more severe, no shelter of consequence was provided for the animals from the cold. Repeatedly animals were frozen in the yards after unloading. When the attention of the head officials was called to such conditions and the results obtained on other lines were pointed out to them, they at once asked for advice and aid from the department, with the result that great improvements have been made at the feeding points and also in the running time of the trains. Live-stock exchanges and associations and stockmen in general have spoken in the warmest praise of these improvements. The railroads, too, have seen the big saving in losses and claims as well as in train-crew time. Yards have been paved, electric lights installed for unloading at night, sheds built for shelter, watering facilities improved, more care used in the selection of men to run the yards and handle the stock, and more attention paid to the kind and quantity of feed furnished. No yard of consequence in that section now lacks a reasonable amount of shelter for the stock and paving for at least a part of the yards, and the shipper always is assured of dry conditions no matter what the time of year may be.

Plate I, figure 2, Plate II, and Plate IV, figure 1, show some examples of poor conditions at some yards where live stock were supposed to rest, water, and feed. These photographs were taken several years ago. Plate IV, figures 2 and 3, and Plate V show yards which are regarded as proper for the feeding, watering, and resting of live stock.

IMPROVED FEEDING AND WATERING FACILITIES.

At one of the so-called "contract feeding stations" on the line of one of the largest railroads it was customary to feed animals in the cars, particularly hogs, by throwing the feed into the cars through openings between the slats as the train moved slowly by the feed bins. This resulted in much of the feed falling to the ground, and, since the feeding was done from but one side of the train, many of the animals on the opposite side from the feeding platforms received no feed. At this place the animals were watered in the cars, but as this also was done only on one side of the train the animals on the opposite side received little if any water. This practice resulted in some of the animals being confined in the cars without any water whatever for from 60 to 72 hours, and specific cases have been disclosed in which the confinement had continued as long as 100 hours. In accordance with suggestions offered by the officials of the Bureau of Animal In-

dustry to the higher officials of some of the roads handling live stock in this manner, the feeding and watering facilities were, at considerable cost, remodeled or rebuilt to meet the requirements of the law so that now it may be said that live stock are being fed and watered by those roads in a much more satisfactory manner than formerly. This, too, has resulted in fewer violations upon the part of those roads.

On another road pens have been provided with concrete floors and sufficient feeding space for all the animals to eat at one time. The watering troughs are ample in size and number and are constructed with sewer connections so that they can be drained easily. These pens are covered and entirely inclosed on three sides, 4 feet of the sides being equipped with drop doors so that they can be opened during the summer months for ventilation and closed during inclement weather, the roof being high enough for all classes of animals. As a general rule, however, for the entire country it is believed that yards or pens partially covered on the side exposed to the winter winds will furnish sufficient protection to the animals.

INADEQUACY OF "FEED-AND-WATER" CARS.

The desire to get to market in as short a time as possible led some of the stockmen to prevail on the roads to build so-called "feed-and-water" cars. These cars had small metal troughs built in the sides. Hay was thrown on the floor of the car or put into overhead racks. As the cars were loaded as full as possible, it can readily be seen that the stock had no chance to rest. Often the animals were thus confined for periods of from 60 to 100 hours. It was found upon careful examination of thousands of such cars arriving at one of the largest stock markets in the East that the watering facilities of comparatively few cars were in such condition as to be of value for watering the stock. The troughs or pans were bent out of shape, broken, or rusted and full of holes so that water would not remain in them. It was also found that in many instances the chains and levers for raising and lowering the troughs were disconnected, broken, or missing entirely, and in many cases where the troughs were in working condition they were so narrow that horned cattle could not drink from them.

On account of the generally unsatisfactory results obtained by this method of watering, some of the railroads have discontinued entirely the use of "feed-and-water" cars and are unloading the animals into properly equipped pens for feed, water, and rest. The aid and cooperation of the department was asked by these roads, with the result that live-stock handling, both on the cars and at feeding points when unloaded, became more nearly ideal, and claims for losses and damages

to live stock and violations of the 28-hour law were reduced about 70 per cent. Officials of one of the largest roads, which abandoned the practice of feeding and watering in the cars and built yards for the proper care of the animals, now say that they have far fewer complaints, less loss, fewer claims for damages, and less expense for train crews, as it often took several hours to set the cars so that the stock could get water in them.

It has been found also that in some cases where hogs are fed and watered in the cars the bottom of the car has been made a trough or receptacle for water. This is regarded as most unsatisfactory. Such a car is bound to have an accumulation of manure, urine, and other filth, so that instead of the animals receiving pure water they are compelled to drink a mixture containing their own excretions. Corn was then thrown into this filth. As soon as the attention of some roads was called to this insanitary method of feeding and watering animals in the cars the practice was stopped.

BETTER LOADING AND UNLOADING FACILITIES.

At some points very poor facilities were provided for loading and unloading live stock, particularly double-deck cars of sheep. While the law provides that they shall be unloaded in a humane manner, the sheep sometimes were thrown bodily from the cars. No running board was used to unload the top deck, and the animals would either be obliged to jump a distance of several feet or land on top of those coming out of the lower deck. Dogs were put into the cars to drive out the sheep. A picture of a good loading and unloading chute is shown in Plate III, figure 1. A glance at figure 2 shows that conditions are not always the best.

The distance between the unloading platform and the car was often so great that the rush of animals, particularly cattle and sheep, in loading or unloading crowded one or more off the platform and down between the car and the dock. On numerous occasions this resulted in permanent injury to the animals, and in some cases cattle had to be killed before they could be removed.

Some roads contended that they were not required to unload sheep at night, or that it could not be done. They were informed that darkness is no excuse for not unloading within the legal limit. It has been demonstrated to them that with electric lights installed at proper places in the yards the stock could be handled in a satisfactory manner. Officials of roads which have tried this plan say that within three months after installing such lighting systems they had saved more from employees' wages, loss of stock, and damages to stock than was expended for this improvement.

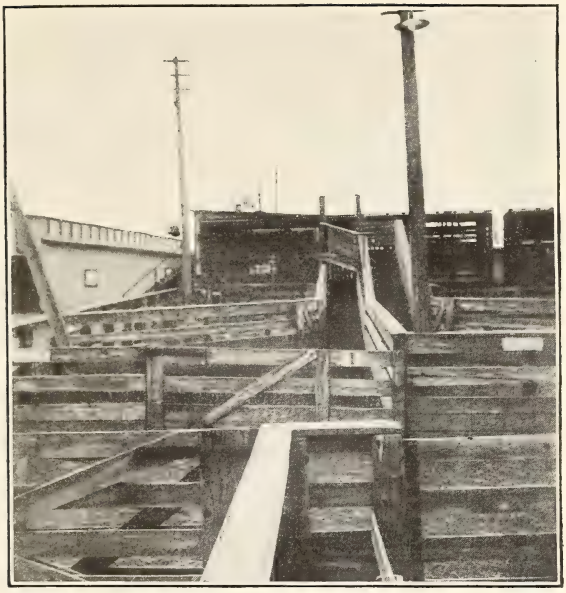


FIG. 1.—A GOOD UNLOADING CHUTE FOR DOUBLE-DECK CARS.

FIG. 2.—A DILAPIDATED LOADING AND UNLOADING CHUTE.

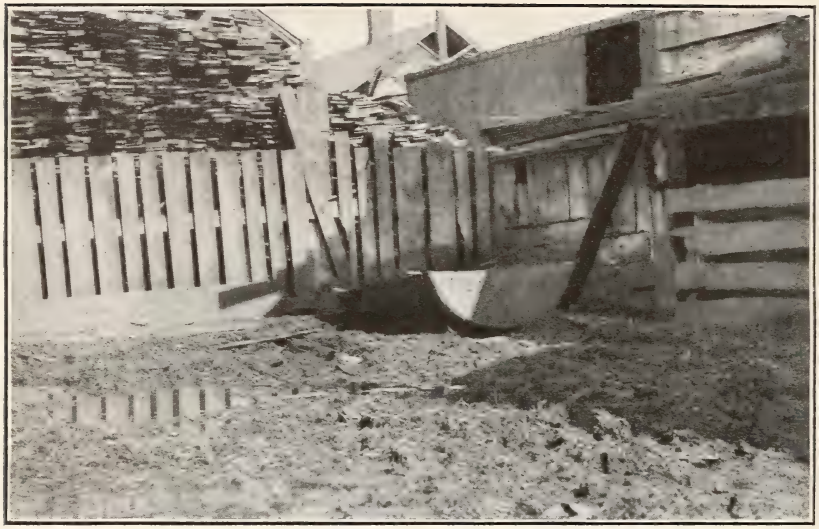
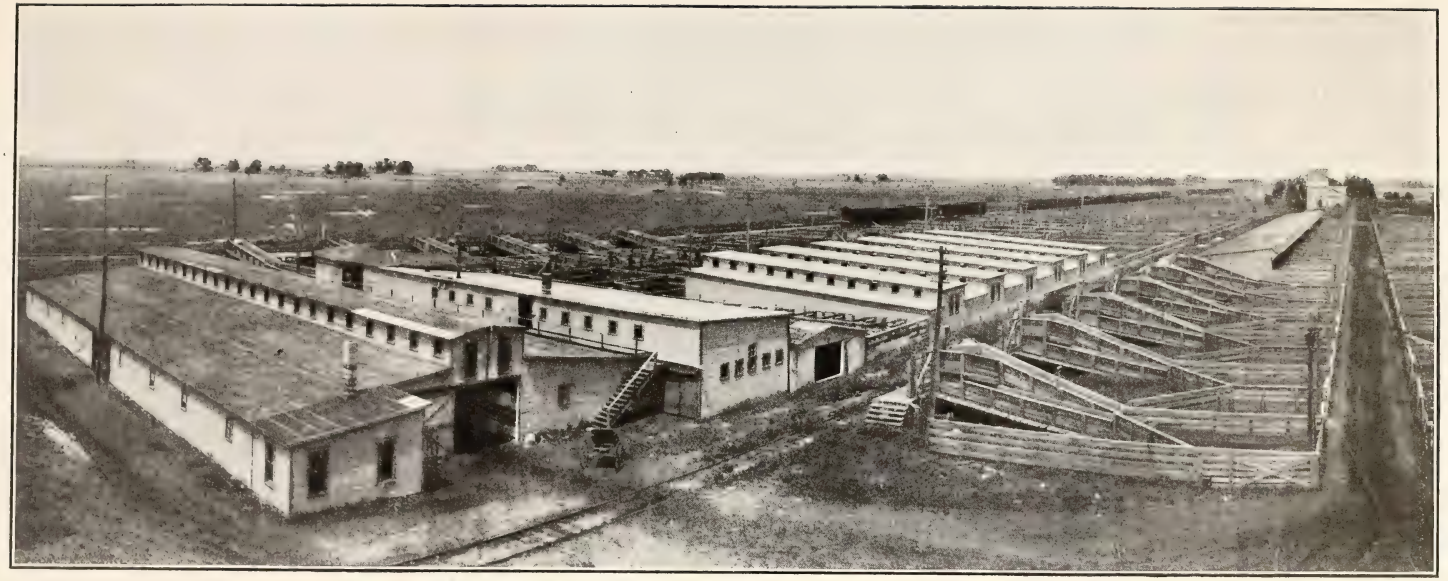


FIG. 1.—YARD SHOWING MUDDY SURFACE AND POOR EQUIPMENT.

FIG. 2.—SAME YARD AS ABOVE AFTER RECONSTRUCTION.

FIG. 3.—BACK OF YARD SHOWN IN FIG. 2, SHOWING PROPER HOUSING FOR PROTECTION OF STOCK IN BAD WEATHER.



GOOD STOCKYARDS BUILT TO REPLACE UNSATISFACTORY YARDS.

REMOVAL OF INCOMPETENT EMPLOYEES.

In the administration of the law it has been found in some instances that violations have been caused by incompetent employees who have, for one reason or another, disobeyed the official instructions of the roads. There have also been cases where those employed to feed and water the animals had entered into agreements with other employees of the roads to furnish less feed than required by the schedules and divide the amount paid by the shippers for proper service. When these conditions have been made known to the higher officials by the department, it has resulted in many instances in the dismissal of those responsible for such irregularities. The operating officials of a number of roads have adopted systems whereby each shipment of live stock which arrives at the market center is checked, and if any have been confined beyond the statutory period immediate action is taken to locate the person at fault and to discipline, oftentimes by dismissal, the employees responsible for the violations.

IMPROVED TRAIN SCHEDULES.

Some of the railroads have revised their train schedules to provide for the transportation of live stock to market with greater dispatch so that in some cases it will not be necessary to unload them at all and in others not as often as formerly. Other roads have placed special stock trains in operation, running on certain days each week and maintaining an advertised schedule from the stock shipping centers to the larger markets. These trains make connection with pick-up or local trains of their own and connecting roads, and in this manner have done away with the necessity for unloading in transit many shipments which formerly were stopped at least once for feed, water, and rest.

VIOLATIONS AND PENALTIES.

Since the enactment of the present law in 1906 there have been reported for prosecution up to and including June 30, 1917, 8,948 violations of the statute, and a total of $426,818.08 has been collected in penalties in the 11 years covered by this period. The administrative officials, however, are more desirous of securing compliance with the provisions of the law than the imposing of penalties.

FURTHER IMPROVEMENT DESIRABLE.

While much has been accomplished up to the present time, some room for improvement in the handling of live stock still remains. It is believed that if the carriers will cooperate more with the Government better results will be obtained and fewer prosecutions will

be required. The department always is glad to furnish the carriers and others with suggestions and all the information it has as to the best methods of handling live stock so as to comply with the terms of the law. Some of the larger roads already have sought such advice and have sent their traffic and operating officials, as well as expert engineers, to points where live stock are handled with the object of improving their methods and facilities. As a result they now give better treatment to the animals and violations of the law are reduced to the minimum. The department on a number of occasions has sent an inspector to feeding points in company with the railroad officials and given suggestions as to the construction of yards and their equipment.

TEXT OF PRESENT LAW.

AN ACT To prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections forty-three hundred and eighty-six, forty-three hundred and eighty-seven, forty-three hundred and eighty-eight, forty-three hundred and eighty-nine, and forty-three hundred and ninety of the United States Revised Statutes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours.

SEC. 2. That animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same,

at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section one of this act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor it he so desires.

SEC. 3. That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply.

SEC. 4. That the penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this act reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means.

SEC. 5. That sections forty-three hundred and eighty-six, forty-three hundred and eighty-seven, forty-three hundred and eighty-eight, forty-three hundred and eighty-nine, and forty-three hundred and ninety of the Revised Statutes of the United States be, and the same are hereby, repealed.

Approved, June 29, 1906.

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